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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL-4821-7]

Asbestos NESHAP Clarification Regarding Analysis of Multi-layered Systems

AGENCY: Environmental Protection Agency.

ACTION: Notice of clarification to the final rule.

SUMMARY: This document provides clarification regarding the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos. It is intended to address common questions regarding situations where one or more layers which may contain asbestos are present.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Oh at (703) 308-8732 or Mr. Jeffery KenKnight at (703) 308-8728.

SUPPLEMENTARY INFORMATION: On November 20, 1990, the Federal Register published the Environmental Protection Agency's (the Agency's) revision of the National Emission Standards for Hazardous Air Pollutants for Asbestos (asbestos NESHAP), 40 CFR part 61, subpart M, 55 FR 48406. The asbestos NESHAP applies to any facility as defined in 40 CFR 61.141. The Agency has learned that some of the regulated community have questions concerning the analysis of samples which may contain multiple layers, any or all of which may be asbestos containing materials (ACM) under the asbestos NESHAP. Because these questions are frequently asked, EPA is making this clarification.

This clarification does not supersede, alter, or in any way replace the existing asbestos NESHAP. This notice is intended solely as guidance and does not represent an action subject to judicial review under the section 307(b) of the Clean Air Act or section 704 of the Administrative Procedure Act.

I. Clarification of Multi-layered ACM System

The Environmental Protection Agency has received many questions about analyzing multi-layered systems for asbestos content to determine the applicability of the asbestos NESHAP. This clarification reiterates EPA's position for analysis of multi-layered samples for applicability

of the asbestos NESHAP.

In general, when a sample consists of two or more distinct layers or materials, each layer should be treated separately and the results reported by layer (discrete stratum). Specific examples are given below.

Plaster/Stucco Systems

If plaster and stucco wall or ceiling systems are layered, and the layers can be distinguished, then the layers must be analyzed separately. Where a plaster or stucco wall system is constructed in layers, and the asbestos-containing layer becomes a distinguishable but ``non-separable'' component of the wall system, the results of the analysis of the individual layer(s) may include a small amount of the other layers when analyzed (e.g. a skim coat layer may contain a small amount of the base coat layer in the analysis of the skim coat layer).

Add-on Materials

All materials ``added'' to wallboard or other base materials (e.g., sprayed-on materials, paint, ceiling or wall texture, etc.) must be analyzed separately, if possible. The results of the analysis of those individual layers of ``add-on'' material may not be averaged with the result of the analysis of wallboard for a composite result, but must be analyzed and reported separately. Where a thin coating of one material is applied over another material and the materials cannot be separated without compromising the layers, the analysis may include a small amount of the base layer. If for example, a paint layer containing asbestos is spread over a wallboard layer, and the paint layer cannot be separated from the wallboard, then a small amount of the wallboard layer may be included in the sample of the paint.

If any of the ``add-on'' materials meet the definition of regulated asbestos-containing material (as defined in 40 CFR 61.141), and if at least 160 square feet of the material(s) are involved in demolition or renovation (whether planned or unplanned during a calendar year), then the project would be subject to the asbestos NESHAP.

Joint Compound/Wallboard

When joint compound and/or tape is applied to wallboard it becomes an integral part of the wallboard and in effect becomes one material forming a wall system. Therefore, where a demolition or renovation impacts such a wall system, a composite analysis of the wall system (percent of asbestos in the joint compound, tape and wallboard) should be conducted. If the analysis shows an asbestos content of greater than one percent and at least 160 square feet of the wall system is involved in the demolition or renovation activities (whether planned or unplanned, during a calendar year), then the activities would be subject to the asbestos NESHAP.

Dated: December 3, 1993.

John Rasnic,

Director, Stationary Source Compliance Division, Office of Air Quality Planning and Standards.

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